

Exhibit O

(Jenkins Affidavit)

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

MICHAEL WAYNE HASH,)	
)	
Petitioner,)	
)	
v.)	No. 7:10-CV-00161 (JCT) (MFU)
)	
GENE M. JOHNSON,)	
DIRECTOR OF VIRGINIA)	
DEPARTMENT OF CORRECTIONS)	
)	
Respondent.)	

**AFFIDAVIT OF
SCOTT JENKINS**

SCOTT JENKINS, being duly sworn, deposes and says:

1. My name is Scott Jenkins. My home address is 10341 Lanes Farm Lane, Culpeper, Virginia 22701. I am a Major with the Rappahannock County Sheriff's Department.
2. I worked for the Culpeper Sheriff's Department from July 1992 until June 2004. I became an Investigator in September 1994 and the Assistant Supervisor of the Criminal Investigations Division in January 2000.
3. Culpeper Sheriff's Department Lieutenant David Carter investigated the Thelma Scroggins homicide from 1996-1999. In November 1999, Lee Hart was elected Sheriff of Culpeper County. Shortly thereafter, Lieutenant Carter retired from the Sheriff's Department. At the time of Lieutenant Carter's retirement, Deputy James Mack and I took over the Scroggins investigation.
4. Lieutenant Carter described his investigation to me in 1999. He indicated that Billy Scott was the principal suspect for the homicide.

5. Sheriff Hart instructed Deputy Mack and me to begin the investigation of the Scroggins homicide from ground zero rather than pick up the investigation where Lieutenant Carter left it. We complied with that instruction. Billy Scott was never eliminated as a suspect. I was recently informed that Billy Scott had access to a .22 rifle in 1995 and, in at least one instance, carried the rifle in his van. If I had known that at the time of the Scroggins investigation in 1999-2000, it would have been very important to me and would have led to additional investigation of Scott.

6. Eric Weakley and Alesia Shelton implicated Mike Hash in the Scroggins homicide. I believe that both witnesses lied numerous times in discussions with law enforcement officials in Culpeper County. To this day, I do not believe the story they told – that three teenage boys murdered Thelma Scroggins – is plausible.

7. Sheriff Hart insisted that Mike Hash and Jason Kloby be arrested in May 2000. I believed our investigation at that time was incomplete. I believed there were additional leads we needed to pursue. And I believed that there was insufficient evidence to convict Hash and Kloby. I believe the Commonwealth's Attorney agreed with me. Sheriff Hart, however, wanted to "clear the case" regardless of the lack of credible evidence against Hash and Kloby. If I had been permitted to conduct further investigation, I would have continued to investigate other suspects, including Billy Scott.

8. Because of my concerns about the veracity of statements by Weakley and Shelton, I did not believe Hash would be convicted based on the evidence we had gathered at the time Hash was arrested.

9. Paul Carter's statement dramatically changed the case against Hash.

10. I was told that Hash was transferred to the jail in Albemarle in May 2000 because his attorneys wanted him to be closer to their offices in Charlottesville. I never heard anyone say he was transferred because he had to be separated from his co-defendants.

11. Deputy Mack and I went to the Albemarle jail in approximately June 2000 to interview Paul Carter. Carter told us that Hash confessed to the Scroggins homicide.

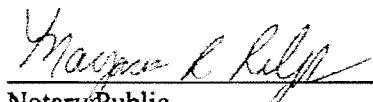
12. I viewed Carter's statement as significant evidence in the case against Hash. In light of Carter's incentive to lie, I believed Carter should have been subjected to a polygraph but Sheriff Hart did not want Carter to be polygraphed. I do not know if Carter was telling the truth in his statement to Deputy Mack and me or in his testimony at trial.

13. I observed unethical, improper, and sloppy practices at the Culpeper Sheriff's Department during the period Lee Hart was Sheriff. For example, I was instructed to falsify investigation reports and lie to representatives of the Commonwealth's Attorney's Office. I also know that evidence was frequently mishandled or misplaced.

14. I have very serious concerns about the conviction of Mike Hash. I believe the Sheriff's Department investigation was not handled properly. Based on the evidence at the crime scene, I believe it is highly unlikely that three teenage boys murdered Mrs. Scroggins. I believe that, at the very least, Mr. Hash should be retried.


Major Scott Jenkins

Sworn to and subscribed before me
this 13 day of September, 2010.


Notary Public

